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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,537	04/25/2001	Takuo Komai	29973-68355	7250

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BARNES & THORNBURG  
11 South Meridian Street  
Indianapolis, IN 46204

EXAMINER

SANDERS, ALLYSON N

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/842,537

Applicant(s)

KOMAI, TAKUO

Examiner

Allyson N Sanders

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-5 rejected under 35 U.S.C. 102(e) as being anticipated by Buckley et al (6,446,871).

Regarding claim 1: a data output device for transmitting information data including bar-code data, which is read from a bar-code, to an external computer comprising; bar-code reading means for reading the bar-code data; data storing means in which identification data for individually specifying the data output device is stored; and control means for transmitting information data which is generated by combing the

identification data with the bar-code data read by the bar-code reading means is disclosed.

Buckley et al teaching the following in regards to claim 1:

"The present invention relates generally to a method and apparatus for reading and storing reference codes and subsequently retrieving information identified by the reference codes. More specifically, the present invention relates to a system that uses an instrument having an electronic reading, storage and transmission apparatus incorporated therein to read, store, and subsequently transmit reference codes to a computer system." (Col. 1, lines 17-25).

"One embodiment of a method according to the present invention includes the following steps, as illustrated in FIG. 8. First a user scans 92 coded information located in proximity to an item, e.g., an article. The system determines 94 whether the coded information was detected. If the information was detected, the data reader stores 96 the code information. The data reader then transmits 98 the code information to an information interface. The information interface, which can be a computer or other electronic device, displays and manipulates 120 information, as will be described further below." (Col. 8, lines, 26-36).

Regarding claim 2: the data output device according to claim 1, wherein the data output device is connected to a terminal via a communication interface, the terminal being capable of communicating with a communication network is disclosed.

Buckley et al teaches the following in regards to claim 2:

“The computer system (which may be connected to a worldwide computer network such as the Internet) retrieves information identified by the reference codes.”  
(Col. 1, lines 25-27)

Regarding claim 3: the data output device according to claim 1, wherein the data output device is incorporated into a terminal that can communicate with a communication network.

Buckley et al teaches the following in regards to claim 3:

“The information interface also transmits 122 information, e.g., a URL address, over a network. The system then determines if additional information is required 124. If more information is required an appropriate request is displayed at the information interface. Otherwise, the requested information is returned to the information interface.”  
(Col. 8, lines 36-42).

Regarding claim 4: a system for gathering information comprising: at least one data output device connected to a terminal that can communicate with a communication network, the data output device comprising bar-code reading means for reading bar-code data from a bar-code, data storing means for storing identification data which individually specifies the data output device, and control means for transmitting information data to the terminal, the information data being generated by combining the identification data with the bar-code data; a host computer connected to that communication network, the host computer receiving the information data transmitted from the terminal via the communication network; and data accumulation means,

provided in the host computer, for receiving the information data transmitted from the terminal and accumulating the information data therein is disclosed:

Buckley et al teaches the following in regards to claim 4:

"The systems and methods of the present invention save time by allowing a user to simply scan a code imprinted on an object to perform any of a number of tasks or transactions. The code can correspond to a variety of information such as URL sites. Embodiments of the present invention provide a system in which a detected reference code is transferred automatically to a computer system. The computer system can use an Internet browser to locate Internet sites on the World Wide Web that contain information related to the article, advertisement, catalog item or security associated with the detected reference code." (Col. 3, lines 30-41).

"The data transfer end reads reference codes associated with coded objects. The data transfer end is then placed into a data well. The data well communicates with a computer or other electronic device via a cable. Alternatively, the data well can communicate with a computer via wireless communication technology. In still another embodiment, the writing implement can communicate directly with a computer using wireless communication technology." (Col. 3, lines 45-50).

"A reader interested in obtaining additional information concerning the subject matter of the article or advertisement utilizes a code reader contained in an instrument such as a pen to read and store a unique code identifying the article. Subsequently, the reader installs the pen in a data well that is designed to receive the unique code from the pen and transmit the code to a computer system." (Col. 4, lines 49-55).

“One embodiment of the present invention, as illustrated in FIG. 2A, includes an electronic pen 16 with a writing segment 18 and a data transfer segment 20. A consumer can order a selected item that has an associated code using the data transfer end 20 of the writing implement 16 by performing the following steps. A consumer scans the code 14 and inserts the data transfer end 20 of the writing implement 16 into the data well 26 shown in FIGS. 3(A) and 3(D). Upon insertion of the data transfer end 20 of the writing implement 16 signals representing the scanned code are transferred to the computer 28 through cable 30.” (Col. 5, lines 37-47).

“FIGS. 2(A)-2(E) show one embodiment of an electronic pen 16 used to read and store the bar code 14.” (Col. 6, lines 14-15).

“In one embodiment, the data reader 16 includes a bar code reader of a type which is available from Symbol Technologies, Inc. of Holtsville, N.Y.” (Col. 8, lines 18-20).

Regarding claim 5: the system for gathering information according to claim 4 further comprising at least one local terminal connected to the communication network for receiving the information data accumulated in the data accumulation means in the host computer through the communication network is disclosed:

Buckley et al teaches the following in regards to claim 5:

“The computer system can contain a database of codes and World Wide Web Internet addresses corresponding to the codes. The computer system then may access Internet sites corresponding to the addresses associated with the particular code to provide the user with further information related to the subject matter of the article or

advertisement. Alternatively, the computer system may have no such database of codes but may rather possess the ability to communicate with a site outside the computer system, which site may contain the database for associating codes to Internet addresses." (Col. 4 and 5, lines 65-8).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Parry (6,148,331), Knowles (6,345,764), Rothschild (6,430,554), Durst, Jr. et al (6,434,561), and Takayama (JP02001229206A).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson Sanders* whose telephone number is (703) 305-5779. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax phone number for this Group is (703) 308-7722, (703) 308-7724, or (703) 308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [[allyson.sanders@uspto.gov](mailto:allyson.sanders@uspto.gov)].

*All Internet e-mail communications will be made of record in the application file.*  
*PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record*




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*includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Allyson Sanders  
Patent Examiner  
Art Unit 2876  
October 7, 2002



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